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AN INTRODUCTION

TO

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Introduction

This handbook is designed to introduce you to the resources of the Faculty of Law Library at the University of Toronto. It will teach you the basics of traditional legal research in conjunction with the Library assignments, and will hopefully continue to be a valuable reference as your research skills develop. It does not deal with computerized legal research.

Primary and Secondary Sources of Law

Legal bibliographers refer to **primary** and **secondary** sources of law to help organize their library and research guides. A **primary** source of law is itself an authority for the enforcement of the law it expresses. The legal system of most of the English speaking world, including every province and territory in Canada except Quebec, is the **common law** system. There are traditionally two primary sources of authority in this system -**decisions of the courts** of the courts and **statutes** enacted by the valid legislature. How these sources are used is closely connected with English tradition and political development -for example through the gradual refinement of the doctrines of **precedent** (an adjudged case or decision considered as an authority for an identical or similar case arising afterwards) and **stare decisis** (the policy of courts to stand by precedent and not to disturb a settled point).

Administrative law, which involves the practical management and direction of the government, is an increasingly important third source of primary law, especially through **regulations** and **decisions of administrative tribunals**. It affects the daily lives of Canadians more than any other type of law and is formulated by bodies who have only a limited power to act, delegated to them by a legislature.

Works which comment on, criticize and describe the law are referred to as **secondary sources of law**. They often have a persuasive impact on the law-making process, but unlike primary sources of law, they do not have a mandatory influence.

"Finding-tools" -digests of decisions, citators, encyclopedias, phrasebooks, annotations, indexes and looseleaf services- are a third category of legal material and a researcher's best friend. They provide the means of locating primary sources of authority and make the overwhelming volume of law manageable.

The development of your legal research skills is the most important thing you can do for yourself while in law school. Strive to become familiar with the range of research tools available; while you may not need to use all of them for any given project, knowing what a particular service can do for you can save you time and frustration when you need an answer quickly.'

While this handbook is reasonably comprehensive, it may not answer all of your questions. There are a variety of legal research guides on reserve at the library which explain various services in greater detail, including:

Banks, Margaret Using a Law Library: a Guide for Students.
This book deals with Canadian and English sources of law. It also has a chapter on automated legal research in Canada, but it does not mention CanLaw, which was developed after the book's publication.

Dane, Jean How to Use a Law Library
This book deals primarily with the laws of England, Wales, Scotland, Northern Ireland and the Republic of Ireland. There are also chapters on sources of European Community law and Public International law.

Jacobstein, J. Myron Fundamentals of Legal Research and Legal Research Illustrated: an Abridgement.
Deals primarily with American sources of law, although it does contain sections dealing with International law in relation to the United States and English legal research.

MacEllven, Douglas Legal Research Handbook
This book deals with Canadian, American, English, Australian and New Zealand sources of law. It discusses legal research concepts and contains a research update Checklist. The federal statutory materials are out of date.

Sinclair, Mary Jane Updating Statutes and Regulations
A useful booklet which shows how to update public acts and regulations in each Canadian jurisdiction. The federal statutory materials are out of date.

Tang, Chin-Shih. Guide to Legal Citation and Sources
This book deals with the citation of legal materials in greater detail and with better explanations than the McGill Guide.

Yogis, J.A. & Christie I. Legal writing and Research manual
Deals with Canadian, American and English sources of law. Has a chapter entitled "Suggestions For Legal Research and Writing". The Computerized Legal Research includes a discussion of CanLaw.

Conducting Legal Research

